

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1184**

T06-0055

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Illinois Central Railroad Company ("Company"), the City of Benton ("City"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the South Pope Street and Wilson Street highway-rail grade crossings of the Company's track in Benton, Franklin County, Illinois, designated as crossings AAR/DOT #293 717T, railroad milepost 89.45-GE and AAR/DOT #293 721H, railroad milepost 90.00-GE, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibits A and A-1, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossings should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system at both South Pope Street and Wilson Street.

DOCKETED

- (b) Installation of temporary STOP signs at the South Pope Street and Wilson Street crossings within 30 days of a Commission Order for the installation of new automatic warning devices.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and preliminary cost estimates to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimates are attached and incorporated herein by reference as Exhibits B and B-1.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	CITY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry at South Pope Street.	\$138,346	(85%) \$117,595	(10%) \$13,835	(5%) Remainder ²	\$0
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry at Wilson Street.	\$141,178	(85%) \$120,002	(10%) \$14,118	(5%) Remainder ²	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³	\$0
TOTALS	\$279,524	\$237,597¹	\$27,953	\$13,974	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$237597; any installation costs above the estimated amount of \$279,524 will be divided between the GCPF, the City and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP Signs.

Section 6 The City is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit C. The City shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: Since the warning device improvement(s) at the subject crossing(s) will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Commission should grant a variance from the grade requirements of 92 Illinois Administrative Code Part 1535.204 to the City, and the South Pope Street and Wilson Street should be allowed to maintain the highway approaches to the existing grades (See Exhibits A and A-1, page 2). The local topography and utilities prohibit a costs effective change in approach grades.

The Company and the City shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits D and D1, along with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit D, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the

- railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
 - d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
 - e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
 - f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
 - g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
 - h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
 - i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
 - j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.


In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 11th day of April 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. Von De Bur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1184, executed by Commission Staff on April 11, 2006, concerning improvements at the South Pope Street and Wilson Street highway-rail grade crossings of the Illinois Central Railroad Company tracks in Benton, Franklin County, Illinois, designated as crossings AAR/DOT 293 717T, milepost 89.45-GE and AAR/DOT 293 721H, milepost 90.00-A, respectively.

Executed by the Illinois Central Railroad Company this 18 day of April 2006.

ILLINOIS CENTRAL RAILROAD
COMPANY

By: Carol E. Bauer

Witness

Attest:

John M. Felt
Manager, Public Works
C.R.

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Executed by the City of Benton this 24th day of April 2006.

CITY OF BENTON

By: Ray Hupf

Attest:

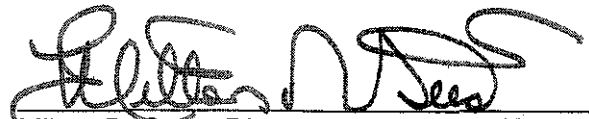
Michael MacBouch

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Executed by the Illinois Department of Transportation this 22nd day of May 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in dark ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/Chief Engineer

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	293 717T, 89.45-GE
STREET, CITY, COUNTY	South Pope Street, Benton, Franklin County
JURISDICTION (RDWY)	City of Benton
LOCATION	Urban, Residential
STREET SURFACE	2-Lane, 2-Way, 19 Foot Wide, Bituminous

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Siding	Timber	25 Ft.	Fair
Main	Timber	25 Ft.	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	West Smith Street – 113 Feet North
TRAFFIC CONTROL	Stop Sign for West Smith Street traffic
ADT & SPEED	250 Vehicles Per Day @ 30 MPH (0% Trucks)
TRAFFIC TYPE	Passenger, Possible School Busses, Possible Hazardous Materials, Possible Emergency Response
ADVANCE WARNING	North and South
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	2 Per day @ 25 MPH, 2 of Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	Reflective Crossbucks

NOTES:

Proposed Improvement: automatic flashing light signals and gates

VISIBILITY STUDY: See Location Sketch

Train Speed	25	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	208	FEET
Along Tracks	239	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	595	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*	Track Radii	*	Various Structures
NW	*	Track Radii	*	Various Structures
SE	*	Track Radii	*	Various Structures
SW	*	Track Radii	*	Various Structures

*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	7.7	99.9	-1.3
25	99.4	-2.0	44	99.8	-0.5
50	98.1	-2.0	69	100.6	3.2
100	97.5	-1.2	94	101.0	1.6
			144	100.9	-0.2

Distance measured from northernmost rail.

COMMENTS:

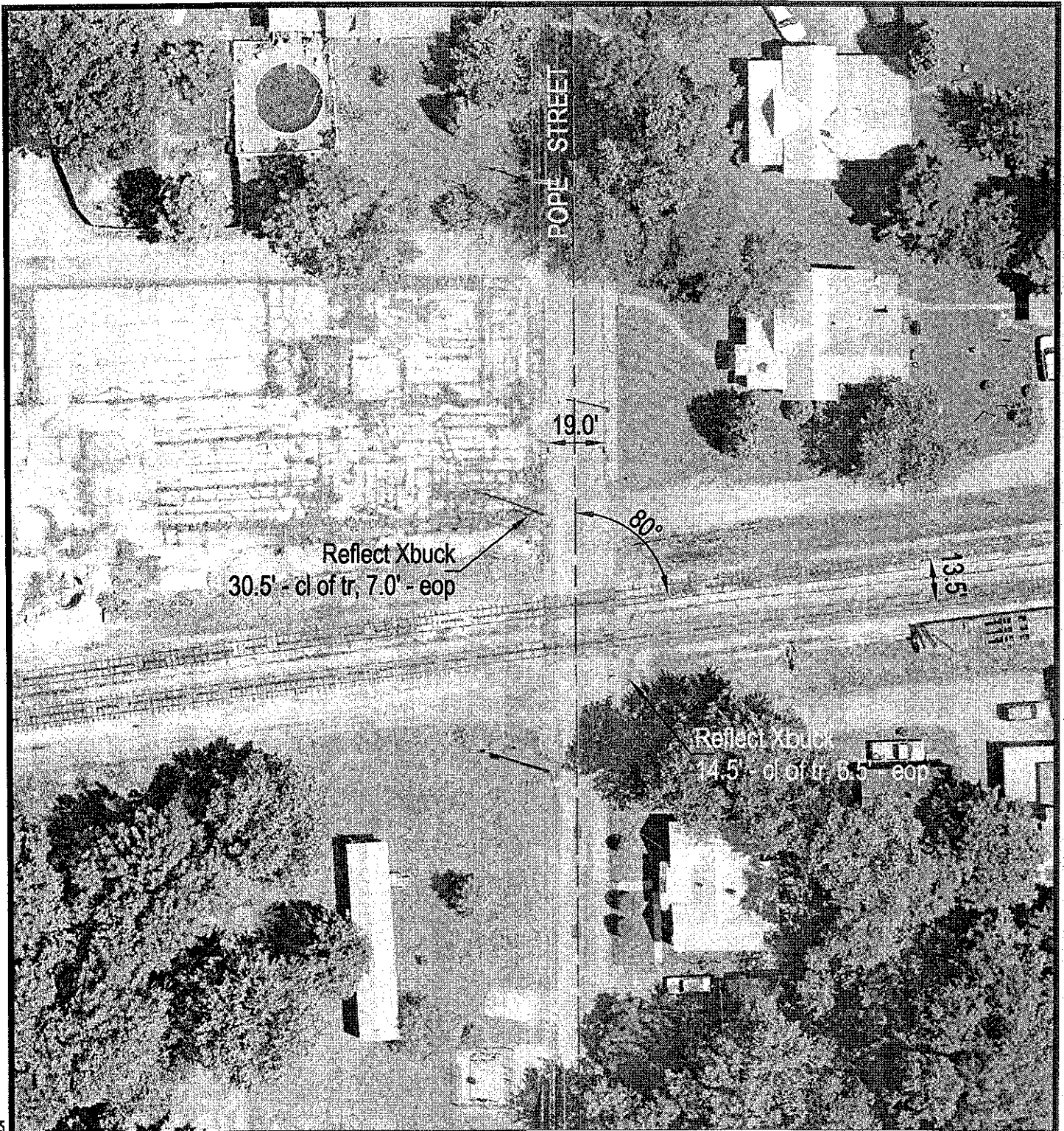
Project is part of FY 2006 Crossing Safety Improvement Program. Wilson Street is being done in conjunction with South Pope Street.

Local topography prohibits adjustment of approach grades. A variance will need to be granted for the approaches.

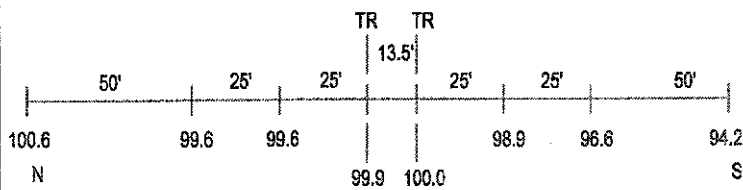
PROPOSED COST DIVISION:

GCPF ----- 85%
City ----- 10%
Railroad ----- 5% + maintenance and operation

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



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Crossing #: 293717T
 Location: Franklin Co., City of Benton (In)
 Lat/Long: 37°59'33" / 88°55'27"
 Railroad: Illinois Central Railroad Company
 Street: Pope Street
 Railroad Milepost: 89.45-GE
 Crossing Protection: Reflective Crossbucks